

Senate File 538 - Reprinted

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1138)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a parent's cause of action for the recovery of
2 expenses and actual loss of services, companionship, and
3 society resulting from the injury to or death of a child and
4 including an applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2057SV 82
7 rh/je/5

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1 1 Section 1. NEW SECTION. 613.15A INJURY TO OR DEATH OF A
1 2 CHILD.
1 3 A parent or the parents of a child may recover for the
1 4 expense and actual loss of services, companionship, and
1 5 society resulting from injury to or death of a minor child and
1 6 may recover for the expense and actual loss of services,
1 7 companionship, and society resulting from the death of an
1 8 adult child.
1 9 Sec. 2. Section 633.336, Code 2007, is amended to read as
1 10 follows:
1 11 633.336 DAMAGES FOR WRONGFUL DEATH.
1 12 When a wrongful act produces death, damages recovered as a
1 13 result of the wrongful act shall be disposed of as personal
1 14 property belonging to the estate of the deceased; however, if
1 15 the damages include damages for loss of services and support
1 16 of a deceased spouse, ~~and~~ parent, or child, the damages shall
1 17 be apportioned by the court among the surviving spouse, ~~and~~
1 18 children, ~~and parents~~ of the decedent in a manner as the court
1 19 may deem equitable consistent with the loss of services and
1 20 support sustained by the surviving spouse, ~~and~~ children, ~~and~~
1 21 parents respectively. Any recovery by a parent for the death
1 22 of a child shall be subordinate to the recovery, if any, of
1 23 the spouse or a child of the decedent. If the decedent leaves
1 24 a spouse, child, or parent, damages for wrongful death shall
1 25 not be subject to debts and charges of the decedent's estate,
1 26 except for amounts to be paid to the department of human
1 27 services for payments made for medical assistance pursuant to
1 28 chapter 249A, paid on behalf of the decedent from the time of
1 29 the injury which gives rise to the decedent's death up until
1 30 the date of the decedent's death.
1 31 Sec. 3. APPLICABILITY. This Act applies to all actions
1 32 filed on or after the effective date of this Act.
1 33 SF 538
1 34 rh:nh/cc/26